

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAID ALY, JULIO ULLOA, and
RICHARD DICRESCENTO,

ORDER

Case No. 18-CV-4230 (FB) (LB)

Plaintiffs,

-against-

DR. PEPPER SNAPPLE GROUP, INC.,
jointly and severally, THE AMERICAN
BOTTLING COMPANY, *jointly and*
severally, and JOHN DOE, *jointly and*
severally,

Defendants.
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BLOCK, Senior District Judge:

On June 13, 2019, Magistrate Judge Bloom issued a Report and Recommendation (“R&R”) recommending that the settlement in this action be approved. That recommendation followed a review of the settlement agreement in accordance with *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015).¹ The R&R advised that objections were due fourteen days after the

¹ The Court only reviewed a settlement of claims brought under the Fair Labor Standards Act. The plaintiffs also brought claims under the New York Labor Law, and one additionally brought claims under the Americans with Disability Act, the New York State Human Rights Law, and the New York City Human Rights Law. The parties have reported that those claims have also settled, but that aspect of the settlement is not subject to court review. *See* R&R at 1 n.2; *Wright v. Brae Burn Country Club, Inc.*, No. 08-CV-3172, 2009 WL 725012, at *4 (S.D.N.Y. Mar. 20, 2009) (“There is no express restriction on the private settlement or waiver of wage

service of the R&R, which was effected electronically on all parties. To date, no objections have been filed.

When no party has objected to a Magistrate Judge's report and recommendation, the Court may adopt it without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). The Court may excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts the R&R. The settlement is approved, and the Clerk is directed to close the case.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
July 24, 2019

and hour claims under New York law.").